

## **REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants sincerely thank the Examiner and his supervisor for holding a personal interview with Applicants representatives on September 20, 2007. Applicants have incorporated the Examiner's and his supervisor's suggestions for overcoming the new matter rejection into this response.

### **I. CLAIM STATUS AND AMENDMENTS**

Claims 17-24 were pending in this application when last examined.

Claims 17-24 were examined on the merits and rejected.

Claims 17, 20 and 23 have been amended to replace the phrase "at least one nucleic acid base that is not capable of forming a base pair with nucleic acid base (A)" with "a free space that allows for photoisomerization of the photoisomerization group to occur." Such amendments were agreed upon during the personal interview as overcoming the new matter rejection of record. Applicants note that support for these amendments can be found on page 6, lines 12-16, page 7, lines 11-14 and in Figures 1 and 6 of the specification as filed.

No new matter has been added.

### **II. ANTICIPATION REJECTION**

On pages 4-6 of the Office Action, claims 17-24 were rejected under 35 U.S.C. 102(b) as anticipated by Ijiro et al. (International J. Nanoscience, Vol. 1, pp. 597-601, 2002).

Applicants respectfully suggest that in light of the above-noted amendments to claims 17, 20 and 23, which obviate the new matter issue, the effective priority date for claims 17-24 is now prior to the publication date of the Ijiro et al. reference. Therefore, Applicants respectfully

suggest that this rejection, as applied to the remaining amended claims, is moot and should be withdrawn.

### **III. NEW MATTER REJECTION**

On pages 6-7 of the Office Action, claims 17-24 were rejected under 35 U.S.C. § 112, first paragraph, for the term “not capable of forming a base pair.”

Applicants note that the rejected term has been deleted and that the new amendments to the claims are supported by the specification as indicated. Applicants further note that the amendments made to the claims are in line with the discussions had during the interview with the Examiner and his supervisor on September 20, 2007.

Applicants therefore suggest that this rejection, as applied to amended claims, is moot and should be withdrawn.

#### IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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